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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,775	11/18/2002	A. David Shay	20011.1010	2409
35856	7590	10/11/2006	EXAMINER	
SMITH FROHWEIN TEMPEL GREENLEE BLAHA, LLC			BROWN, CHRISTOPHER J	
P.O. BOX 88148			ART UNIT	
ATLANTA, GA 30356			PAPER NUMBER	

2134

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/065,775

Applicant(s)

SHAY, A. DAVID

Examiner

Christopher J. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 118-162 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 118-162 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

The examiner has withdrawn the rejection in view of Nguyen US 5,689,566, thus arguments with respect to Nguyen are now moot. The applicant argues that Cunningham US 6,219,786 does not teach inserting identifiers into packets originating from a source node. The examiner argues that Cunningham does teach packets from a source node with identifiers, and as the packets originated from said source node, the source node inherently inserts said identifiers into said packets. The examiner also argues that Cunningham teaches non-IP address identifiers, as illustrated in the rejection below.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 118 and 140 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 118 and 140 both contain the negative limitation of a unique identifier

that is not an IP address. The examiner could find no support in the instant specification for such a negative limitation.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 118-125, 135-139 and is rejected under 35 U.S.C. 102(b) as being anticipated by Cunningham US 6,219,786.

As per claim 118, 138, 139 Cunningham teaches sending packet data via IP from a source node including in the packets a system identification (Ethernet address), (Col 7 lines 3-10). Cunningham does not explicitly teach that the source node inserts the unique identifier, but since the packet is created at the source node, it is inherent that anything the packet contains was inserted by said source node. Cunningham teaches intercepting packet data transmitted by the source node before it reaches the destination node, (Col 6 lines 5-10, Col 7 lines 15-25). Cunningham teaches extracting the unique identifier from the packet for comparing (Col 8 lines 55-67). Cunningham teaches permitting communication as function of the unique identifier (Col 9 lines 1-5).

As per claim 119, Cunningham teaches forwarding the packet to the destination node, (Col 9 lines 1-5).

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As per claim 120-125, Cunningham teaches the inclusion of a unique ID in an IP packet.

Where that id is located in the packet is a design choice.

As per claims 135-137 Cunningham teaches comparing ID's to rules in order to determine if communication between source and destination nodes is permitted, (Col 8 line 55 to Col 9 line 10).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 126-128, 140-152 159-162 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham US 6,219,786 in view of Esbensen US 5,796,942**

As per claim 140, 143, 159-161 Cunningham teaches sending packet data via IP from a source node including in the packets a system identification (Ethernet address), (Col 7 lines 3-10). Cunningham does not explicitly teach that the source node inserts the unique identifier, but since the packet is created at the source node, it is inherent that anything the packet contains was inserted by said source node. Cunningham teaches intercepting packet data transmitted by the source node before it reaches the destination node, (Col 6

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lines 5-10, Col 7 lines 15-25). Cunningham teaches extracting the unique identifier from the packet for comparing (Col 8 lines 55-67). Cunningham teaches permitting communication as function of the unique identifier (Col 9 lines 1-5). Cunningham does not teach logging in a database.

Esbensen teaches storing an incident in a log, (Col 5 lines 16-25).

It would have been obvious to one of ordinary skill in the art to use the incident log of Esbensen with Cunningham's system because it allows the administrator to review the attempted security breach.

As per claim 141, Cunningham teaches sending packet data via IP from a source node including in the packets a system identification (Ethernet address), (Col 7 lines 3-10).

As per claim 126-128, Cunningham does not teach recording an unauthorized attempt.

Esbensen teaches notifying a network administrator and storing an incident in a log for unauthorized communication attempts, (Col 5 lines 16-25).

It would have been obvious to one of ordinary skill in the art to use the incident log of Esbensen with Cunningham's system because it allows the administrator to review the attempted security breach.

As per claim 144-152, Cunningham teaches the inclusion of a unique ID in an IP packet.

Where that id is located in the packet is a design choice.

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As per claims 142, 162 Cunningham teaches comparing ID's to rules in order to determine if communication between source and destination nodes is permitted, (Col 8 line 55 to Col 9 line 10).

**Claims 129-134, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham US 6,219,786 in view of Edgett US 5,796,942**

As per claims 129-134, Cunningham does not teach encryption of packets.

Edgett teaches an encryption system using key index values, and applying said key index to a transformations to source identifiers, [0052].

It would have been obvious to use the key index system of Edgett with Cunningham because the key index system prevents any keys from being transmitted.

**Claims 153-158 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham US 6,219,786 in view of Esbensen US 5,796,942 in view of Edgett US 5,796,942**

As per claims 153-158 the Esbensen-Cunningham combination does not teach encryption of packets.

Edgett teaches an encryption system using key index values, and applying said key index to a transformations to source identifiers, [0052].

It would have been obvious to use the key index system of Edgett with the Cunningham-Esbensen combination because the key index system prevents any keys from being transmitted.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jaques Louis Jaques can be reached on (571)272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



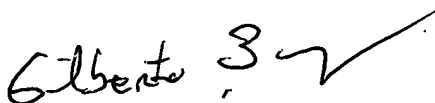
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher J. Brown

9/30/06



  
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